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7 dba Advanced Cardiovascular Specialists
and Carlos E. Fonte*

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 GAIL E. SANDLER,

11 Plaintiff,

12 vs.

13 CARLOS E. FONTE M.D., LTD., a Nevada
14 professional corporation, dba ADVANCED
15 CARDIOVASCULAR SPECIALISTS; and
16 CARLOS E. FONTE, individually,

17 Defendants.

Case No. 2:21-cv-01044- JAD-VCF

18 **STIPULATED:**

- 19 (1) **NOTICE OF SETTLEMENT;**
- 20 (2) **REQUEST FOR STAY; AND**
- 21 (3) **REQUEST FOR STATUS CHECK**

22 Plaintiff Gail E. Sandler (“Plaintiff”), through her counsel Law Offices of Robert P.
23 Spretnak, and Defendants Carlos E. Fonte M.D., Ltd., dba Advanced Cardiovascular Specialists
24 (“ACS”) and Carlos E. Fonte (“Dr. Fonte”) (collectively, “Defendants”), through their counsel
25 Jackson Lewis P.C., hereby file this Stipulated Notice of Settlement and Request for Stay and
26 Status Check. The parties have reached a resolution of this matter and are working to finalize the
language of the settlement agreement. The parties need enough time to complete the settlement
process, including the issuance of settlement funds, prior to filing a stipulation to dismiss this
action.

27 In this case, Plaintiff is a Medicare plan participant and thus, Plaintiff must obtain a
28 response from the Centers for Medicare & Medicaid Services (“CMS”) to confirm whether CMS

1 has a claim against any of the settlement funds prior to their payment by Defendant. Plaintiff is
2 currently seeking a response from CMS as to whether it asserts that any part of the settlement
3 funds must be paid to CMS, or whether CMS has no claim against the settlement funds. Once
4 CMS responds to Plaintiff's request, then Plaintiff and Defendant can finalize the disbursement of
5 the settlement payment, and thereafter file a request for dismissal with the Court.

6 Thus, the parties request the Court schedule a settlement status check conference in
7 approximately 90 days, at the Court's convenience, to permit the parties time to complete the
8 settlement process and file a stipulation for dismissal. The status check can be vacated if the
9 Stipulation and Order for Dismissal with Prejudice is entered by the Court as an order in advance
10 thereof.

11 The parties also request that the Court stay all pending deadlines set forth in the
12 Stipulation and Order to Extend Discovery and Dispositive Motion Deadlines (ECF No. 35). The
13 parties wish to avoid incurring additional fees and costs complying with the pending deadlines
14 while the parties prepare the necessary settlement documents and dismissal.

15 Dated this 12th day of October, 2022.

16 LAW OFFICES OF ROBERT P. SPRETNAK

JACKSON LEWIS P.C.

17 /s/ Robert P. Spretnak

18 Robert P. Spretnak, Esq., Bar No. 5135
19 8275 S. Eastern Avenue, Suite 200
Las Vegas, Nevada 89123

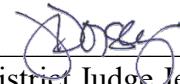
20 Attorney for Plaintiff

/s/ Holly E. Walker

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23 **ORDER**
24 Based on the parties' stipulation [ECF No. 37; ECF No. 38] and good cause appearing,
IT IS HEREBY ORDERED that **THIS ACTION IS STAYED** for all purposes pending
completion of the settlement documents. **Counsel must appear for a status conference**
regarding the settlement on January 23, 2023, at 10:30 a.m. in Courtroom 6D of the Lloyd
D. George U.S. Courthouse. Should the settlement documents be completed before that status
check, the parties' stipulation to dismiss this case should include a stipulation to vacate this
status check.

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U.S. District Judge Jennifer A. Dorsey
Dated: October 14, 2022